

The Hon. John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
TIMMOTHY WAYNE TARTER,  
Defendant

NO. CR22-0135-JCC

[PROPOSED]

**ORDER OF FORFEITURE**

17        THIS MATTER comes before the Court on the United States' Motion for Order of  
18 Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Timmothy  
19 Wayne Tarter's interest in a sum of money (also known as a forfeiture money judgment)  
20 in the amount of \$264.38 reflecting the unrecovered proceeds Defendant Timmothy  
21 Wayne Tarter obtained from his commission of *Theft of Government Property*, in  
22 violation of 18 U.S.C. § 641.

23 The Court, having reviewed the United States' Motion (Dkt. No. 35), as well as  
24 the other papers and pleadings filed in this matter, hereby FINDS entry of an Order of  
25 Forfeiture is appropriate because:

- 1     • The proceeds of *Theft of Government Property*, in violation of 18 U.S.C. § 641,  
2         are forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C), by way of 28 U.S.C.  
3             § 2461(c);  
4     • In his Plea Agreement, Defendant agreed to forfeit, pursuant to 18 U.S.C.  
5             § 981(a)(1)(C), by way of 28 U.S.C. § 2461(c), the proceeds he obtained from the  
6         commission of *Theft of Government Property*, to which he entered a guilty plea  
7             (Dkt. No. 31, ¶ 12);  
8     • Defendant Tarter admitted that he obtained proceeds from this offense of  
9         approximately \$1,760.78 (Dkt. No. 31, ¶ 12);  
10    • Subsequently, Defendant Tarter returned to the United States 2,580 stamps, with a  
11         value of approximately \$1,496.40, which reduced his unrecovered proceeds to  
12             \$264.38;  
13    • The forfeiture of this sum of money is separate and distinct from the restitution  
14         ordered in this case.  
15    • The forfeiture of this sum of money is personal to Defendant Tarter and, pursuant  
16         to Federal Rule of Criminal Procedure (“Fed. R. Crim. P.”) 32.2(c)(1), no third-  
17         party ancillary process is required before forfeiting it.

18  
19         NOW, THEREFORE, THE COURT ORDERS:

- 20         1) Pursuant to 18 U.S.C. § 981(a)(1)(C), by way of 28 U.S.C. § 2461(c), and  
21         his Plea Agreement, Defendant Tarter’s interest in a sum of money in the amount of  
22         \$264.38 is fully and finally forfeited, in its entirety, to the United States;
- 23         2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) – (B), this Order will become  
24         final as to the Defendant Tarter at the time he is sentenced; it will be made part of the  
25         sentence; and, it will be included in the judgment;
- 26         3) No right, title, or interest in the identified sum of money exists in any party  
27         other than the United States;

1       4) Pursuant to Fed. R. Crim. P. 32.2(e), in order to satisfy this Order forfeiting  
2 the sum of money, in whole or in part, the United States may move to amend this Order,  
3 at any time, to include substitute property having a value not to exceed \$264.38; and

4       5) The Court will retain jurisdiction in this case for the purpose of enforcing  
5 this Order, as necessary.

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7           DATED this 3rd day of March 2023.

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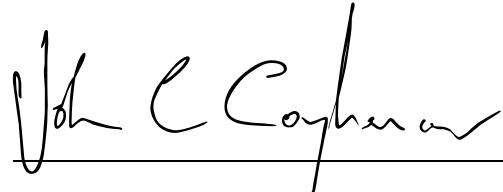
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John C. Coughenour  
UNITED STATES DISTRICT JUDGE

Presented by:

s/Krista K. Bush

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